


TENDER OF PLEA OR ADMISSION WAIVER OF RIGHTS	DOCKET NO(S)	TRIAL COURT OF MASSACHUSETTS JUVENILE COURT DEPARTMENT	
INSTRUCTIONS: This form must be typed or printed clearly, completed prior to the Pretrial Hearing, signed by both counsel and submitted to the court by the defendant at or before the Pretrial Hearing	NAME OF CHILD/DEFENDANT	COURT DIVISION	
SECTION 1 TENDER OF PLEA			
<p>The Child/Defendant in this case hereby tenders the following:</p> <p><input type="checkbox"/> PLEA OF DELINQUENCY/YOUTHFUL OFFENDER (<i>circle one</i>) <input type="checkbox"/> PLEA OF GUILTY (ADULT ONLY)</p> <p><input type="checkbox"/> ADMISSION TO FACTS SUFFICIENT FOR AN ADJUDICATION OF DELINQUENCY/YOUTHFUL OFFENDER or FINDING OF GUILT (<i>circle one</i>), conditioned on the dispositional terms indicated below. <i>Include all proposed terms (adjudication of delinquency/youthful offender, guilty, finding of sufficient facts, continued without a finding, dismissal, fine, costs, probation period and supervision terms, restitution amount including the identification of the recipient of restitution, and any sentence of incarceration, split sentence, suspended sentence, commitment, etc.). Include each docket number and specify terms for each docket number/offense separately.</i></p>			
DOCKET NO.	CHILD'S/DEFENDANT'S TERMS (Check "Yes" if Prosecutor agrees - "No" if Prosecutor disagrees)		PROSECUTOR'S RECOMMENDATION (Required if Prosecutor disagrees with terms)
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
SIGNATURE OF COUNSEL X	DATE	SIGNATURE OF PROSECUTING OFFICER X	DATE
SECTION II PLEA OR ADMISSION ACCEPTED BY THE COURT			
<p>The Court <input type="checkbox"/> ACCEPTS the tendered Plea or Admission on child's/defendant's terms set forth in Section 1, and will impose sentence in accordance with said terms, subject to submission of child's/defendant's WAIVER (see Section IV on reverse of this form), completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.</p>			
SECTION III PLEA OR ADMISSION REJECTED BY THE COURT			
<p>The Court <input type="checkbox"/> REJECTS the child's/defendant's dispositional terms set forth above, and, in accordance with Mass.R.Crim.P. 12(c)(6), has set forth to the child/defendant the dispositional terms it would find acceptable, to wit:</p>		<p>CHILD'S/DEFENDANT'S DECISION IF COURT REJECTS TENDERED PLEA OR ADMISSION:</p> <p><input type="checkbox"/> Child/Defendant WITHDRAWS the tendered Plea or Admission; the parties must complete and file a Pretrial Conference Report, a Pretrial Hearing must be conducted and a trial date scheduled, if necessary.</p> <p><input type="checkbox"/> Child/Defendant ACCEPTS terms set forth by the Court, a Plea or Admission will be accepted by the Court and said dispositional terms imposed, subject to submission of child's/defendant's WAIVER (see Section IV on reverse side of this form), completion of the required COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.</p>	
SIGNATURE OF JUDGE ACCEPTING OR REJECTING PLEA OR ADMISSION X	DATE	SIGNATURE OF DEFENSE COUNSEL X	DATE

SECTION IV**CHILD'S /DEFENDANT'S WAIVER OF RIGHTS (G.L. c. 119, s. 55A) (G.L. c. 263, s. 6) and
ALIEN RIGHTS NOTICE (G.L. c. 278, S.29D)**

I, the undersigned child/defendant, understand and acknowledge that I am voluntarily giving up the right to be tried by a jury or a judge without a jury on these charges.

I have discussed my constitutional and other rights with my attorney and my parents or guardian (if applicable). I understand that the jury would consist of six or twelve jurors chosen at random from the community, and that I could participate in selecting those jurors, who would determine unanimously whether or not I was delinquent/a youthful offender/guilty (*circle one*). I understand that by entering my plea of delinquency/youthful offender/guilty (*circle one*) or admission, I will also be giving up my right to confront, cross-examine, and compel the attendance of witnesses; to present evidence in my defense; to remain silent and refuse to testify or provide evidence against myself by asserting my constitutional right against self-incrimination, all with the assistance of my defense attorney; and to be presumed innocent until adjudicated delinquent/a youthful offender or proven guilty (*circle one*) by the prosecution beyond a reasonable doubt.

I am aware of the nature and elements of the charge or charges to which I am entering my guilty plea or admission. I am also aware of the nature and range of the possible commitment, sentence or sentences.

My plea of delinquency/youthful offender/guilty (*circle one*) or admission is not the result of force or threats. It is not the result of assurances or promises, other than any agreed-upon recommendation by the prosecution, as forth in Section 1 of this form. I have decided to plead delinquent/youthful offender/guilty (*circle one*) or to admit to sufficient facts, voluntarily and freely.

I am not now under the influence of any drug, medication, liquor or other substance nor am I aware of any other factor that would impair my ability to fully understand the constitutional and statutory rights that I am waiving when I plead delinquent/youthful offender/guilty (*circle one*).

I understand that if I am not a citizen of the United States, an adjudication of delinquency/youthful offender/ finding of guilt or admission to sufficient facts for this offense may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

Signature of Child/Defendant

Date

Signature of Parent/Guardian (if applicable)

Date

X

X

SECTION V**DEFENSE COUNSEL'S CERTIFICATE (G.L. c. 119, s. 55A, G.L. c. 218, s. 26A)**

As required by G.L. c. 119, s. 55A and G.L. c. 218, s. 26A, I certify that as legal counsel for the child/defendant in this case, I have explained to the child/defendant the above-stated provisions of law regarding the child's/defendant's waiver of jury trial and other rights so as to enable the child/defendant to tender his or her plea of delinquency/youthful offender/guilty (*circle one*) or admission knowingly, intelligently and voluntarily.

SIGNATURE OF DEFENSE COUNSEL

DATE

B.B.O. NO.

X

SECTION VI**JUDGE'S CERTIFICATION**

I, the undersigned Justice of the Juvenile Court, addressed the child/defendant directly in open court. I made appropriate inquiry into the education and background of the child/defendant and am satisfied that he or she fully understands all of his or her rights as set forth in Section IV of this form, and that he or she is not under the influence of any drug, medication, liquor or other substance that would impair his or her ability to fully understand those rights. I find, after an oral colloquy with the child/defendant, that the child/defendant has knowingly, intelligently and voluntarily waived all of his or her rights as explained during these proceedings and as set forth in this form.

After a hearing, I have found a factual basis for the charge(s) to which the child/defendant is pleading delinquent/youthful offender/guilty (*circle one*) or admitting and I have found that the facts as related by the prosecution and admitted by the child/defendant would support an adjudication/ a conviction on the charges to which the plea or admission is made.

I further certify that the child/defendant was informed and advised that if he or she is not a citizen of the United States, an adjudication of delinquency or youthful offender, finding of guilt or admission to sufficient facts, of the offense(s) with which he or she was charged, may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF JUDGE

DATE

X